

REMARKS

SECTION 103 REJECTION OF CLAIM 1

The Examiner has rejected claim 1 as being rendered obvious by the combination of *Fukutome*¹ and *Igarashi*.²

As a threshold matter, *Igarashi* is not prior art. *Igarashi* was filed as a PCT application on May 30, 2003 designating the US. This PCT filing date is prior to the August 1, 2003 filing date of the present application. However, the PCT application was published in Japanese as WO2004002590. Therefore, under section 102(e) *Igarashi* is available as prior art only for applications filed after its actual US filing date of December 23, 2004.

Fukutome discloses a stand-alone video game. A stand-alone video game does not transmit or receive content. Therefore, it does not host content for transmission. Hence, *Fukutome* cannot possibly disclose "hosting, for transmission" any kind of content, whether multi-media or otherwise.

Similarly, nothing in *Fukutome* functions as a "client." Therefore, there can be no teaching of "transmitting the goal-activated content to the client upon a client request."

In paragraph 38, *Fukutome* discloses that a video game character becomes stronger once certain conditions are met. Presumably, the Examiner regards the strength of a character as "goal-activated content."

In *Fukutome*, the character's strength increases without any transmission of content at all. The *Fukutome* video game unit already has everything it needs to cause the character to become stronger. It does not have to request content from someplace else to make the character become stronger.

¹ *Fukutome*, US 2003/0109297.

² *Igarashi et al.* US 2006/0166744.

In addition, the “strength” of a character is not “multi-media content.” A character’s “strength” is just a parameter that is fundamentally no different from the “growth-parameter” of the now-withdrawn *Matsuda* reference.

In view of the impropriety of the secondary reference and the flaws of the primary reference, Applicant requests reconsideration of the section 103 rejection of claim 1 and all claims dependent thereon.

SECTION 103 REJECTION OF CLAIMS 3, 8, AND 16

In rejecting claims 3, 8, and 16, the Examiner suggests that the “history profile” corresponds to the “stages” referred to in paragraphs 36-37.

The “stages” referred to in paragraphs 36-37, and illustrated in FIGS. 2A-2B, do not amount to a “history.” Those stages merely represent different levels of the video-game’s difficulty. The stages are present on the video-game unit from the very beginning, before anybody has even played a single game. The fact that a video game can be played on different levels of difficulty at different times does not make each level part of some “history profile” that is received from a client, as required by claim 3.

SECTION 103 REJECTIONS OF CLAIMS 4, 8, 17, 5, 17, 19, 10, 18

The additional limitations of these claims are all allegedly disclosed by *Igarashi*. However, *Igarashi* is not prior art. Accordingly, the section 103 rejection of these claims is improper.

SECTION 103 REJECTION OF CLAIM 20

The rejection of claim 20 is improper because it relies on *Igarashi*, which is not prior art.

In addition, *Fukutome* fails to teach designating content as goal activated content.

The cited paragraphs 16-17 disclose that in *Fukutome*’s video game, achieving a goal allows a player to play a more difficult version of the game after successfully playing an easier version of the game. The fact that a player is allowed to play a more difficult version of the game

does not amount to a teaching of "data representative of multi-media content designated as goal-activated content."

SECTION 102 REJECTION OF CLAIM 21

The section 102(e) rejection of claim 21 relies on *Igarashi*, which is not a proper reference under section 102(e).

CONCLUSION

Now pending in this application are claims 1-23, of which claims 1, 6, 13, 20, and 21 are independent.

No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our Deposit Account No. 19815-014001.

Respectfully submitted,

Date: May 19, 2008

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

21927022.doc



Faustino A. Lichauco
Reg. No. 41,942